

PATENT COOPERATION TREATY


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INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

REC'D 14 MAR 2005

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Applicant's or agent's file reference 101288 a/se	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP 03/14242	International filing date (day/month/year) 15.12.2003	Priority date (day/month/year) 18.12.2002
International Patent Classification (IPC) or both national classification and IPC D06M23/14		
Applicant VIKTOR ACHTER GMBH & CO.KG		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 1 sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none">I <input checked="" type="checkbox"/> Basis of the opinionII <input type="checkbox"/> PriorityIII <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicabilityIV <input type="checkbox"/> Lack of unity of inventionV <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statementVI <input type="checkbox"/> Certain documents citedVII <input type="checkbox"/> Certain defects in the international applicationVIII <input type="checkbox"/> Certain observations on the international application		
Date of submission of the demand 21.06.2004	Date of completion of this report 11.03.2005	
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Koegler-Hoffmann, S Telephone No. +49 89 2399-8611	



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/EP 03/14242**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-24 as originally filed

Claims, Numbers

6-33 as originally filed

1-5 received on 07.12.2004 with letter of 07.12.2004

Drawings, Sheets

1/2-2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	4-17,19-21,23-32
	No: Claims	1-3,18,22,33
Inventive step (IS)	Yes: Claims	
	No: Claims	1-33
Industrial applicability (IA)	Yes: Claims	1-33
	No: Claims	

2. Citations and explanations

see separate sheet

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Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Reference is made to the following documents:

- D1: PATENT ABSTRACTS OF JAPAN vol. 2002, no. 12, 12 December 2002 (2002-12-12) & JP 2002 227073 A (SEIREN CO LTD), 14 August 2002 (2002-08-14)
D2: PATENT ABSTRACTS OF JAPAN vol. 1998, no. 01, 30 January 1998 (1998-01-30) & JP 09 256281 A (TORAY IND INC), 30 September 1997 (1997-09-30)
D3: PATENT ABSTRACTS OF JAPAN vol. 1995, no. 01, 28 February 1995 (1995-02-28) & JP 06 296925 A (KOEI KOGEI KK), 25 October 1994 (1994-10-25)

2. The application addresses the problem of providing a process by which the abrasion resistance of a textile substrate can be improved.

The problem is solved by the process for the production of a textile product of independent claim 22 (claim 1).

3. Document D1 relates to a textile product having a three dimensional pattern. The textile has excellent abrasion resistance. The three dimensional pattern consists of polyurethane. Said textile product is used as interior material for motor vehicle.

Even though D1 does not disclose **explicitly** a three-dimensional pattern that covers at least 15% of the area of the textile substrate, it follows from the description of the computer translation of D1 (see annex) that one problem to be solved in D1 is to find a material with sufficient abrasion resistance (See D1: [0003] to [0004]). According to D1 said problem is solved. It must be therefore assumed that the textile product disclosed in D1 falls within the scope of the subject matter claimed in claim 1 of the current application.

Thus, the subject matter of claims 1 to 3, 18, 22 and 33 seems not to fulfil the requirements of Articles 33(2) and/or 33(3) PCT.

The other dependent claims contain features which are either obvious or known in the art

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(see D2, D3). Thus, none of the claims fulfil the requirements of Article 33(3) PCT.

4. Further objections:

4.1 The applicant has deleted the following feature in claim 1: "a textile substrate having a certain abrasion resistance".

This feature is presented as essential in the disclosure of the application in the light of the technical problem which it seeks to solve.

Thus, the deletion of this feature introduces subject-matter which extends beyond the content of the application as filed, contrary to Article 19(2)/Article 34(2)(b) PCT.

4.2 It follows from page 7, paragraph 4 ff that the textile substrate which is treated in accordance with the invention has to have some criteria as mentioned under a), b) and c). It is clear that these features are essential to the definition of the invention.

Since independent claims 1 and 22 do not contain these features they do not meet the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT that any independent claim must contain all the technical features essential to the definition of the invention.

4.3 According to the letter of the applicant dated 7.12.2004 it is emphasized that not any application of a resin on a fabric increases the abrasion resistance. This is only achieved if the textile substrate, the coverage and the chemical nature of the three-dimensional pattern are selected appropriately. Since neither claim 1 nor claim 22 contain said feature (definition of an appropriate selection) they do not meet the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT that any independent claim must contain all the technical features essential to the definition of the invention.

4.4 Reference is made to page 22, paragraph 3. It is not clear what is meant by the sentence: "Further, the invention provides products the abrasion resistance of which is not necessarily improved by the three-dimensional pattern which have however...".

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It seems that the claims are not supported by the description as required by Article 6 PCT.

PCT/EP03/14242
Viktor Achter GmbH & Co. KG

101 288 n2/jn
December 7, 2004

Claims

1. A textile product comprising
a textile substrate and a three-dimensional pattern
applied to the textile substrate, whereby
the three-dimensional pattern covers at least 15%
of the area of the textile substrate, and whereby
the abrasion resistance of the textile product lies
above the abrasion resistance of the textile substrate
without said pattern.
2. A textile product according to claim 1, characterized in
that the three-dimensional pattern covers 25% to 50% of
the textile substrate.
3. A textile product according to claim 1 or 2,
characterized in that the three-dimensional pattern
consists of polyurethane, polyvinyl acetate and/or a
vinyl acetate copolymer.
4. A textile product according to at least one of claims 1
to 3, characterized in that the mass loss of the textile
substrate amounts to more than 0.03 g in an abrasion
test after 50.000 Martindale abrasion cycles, and that
the corresponding mass loss of the textile product lies
below the mass loss of the textile substrate.
5. A textile product according to claim 4, characterized in
that the corresponding mass loss of the textile product
is less than 0.02 g.